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Conference

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

18 Cr. 36 JPO

5 DAVID MIDDENDORF, et al.,

6 Defendants.

7 -----x

8 March 15, 2018  
9 2:40 p.m.

10  
11 Before:

12 HON. J. PAUL OETKEN,

13 District Judge

14  
15 APPEARANCES

16 GEOFFREY S. BERMAN,  
17 Interim United States Attorney for the  
18 Southern District of New York  
19 REBECCA G. MERMELSTEIN,  
20 AMANDA K. KRAMER,  
21 Assistant United States Attorneys

22 PERILLO KLEIN & BOXER, LLP,  
23 Attorneys for defendant Middendorf  
24 BY: NELSON A. BOXER, Esq.  
25 AMY R. LESTER, Esq.  
ALEXANDRA REBECCA CLARK, Esq.

- and -

BRUCH HANNA, LLP  
BY: GREGORY S. BRUCH, Es.  
KHIRAN SIDHU, Esq.  
Of counsel

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## APPEARANCES (Continued)

CAHILL GORDON & REINDEL, LLP,  
Attorneys for defendant Whittle  
BY: NOLA BREGLIO HELLER, Esq.  
BRADLEY JOSEPH BONDI, Esq.  
Of counsel

ORRICK, HERRINGTON & SUTCLIFFE, LLP  
Attorneys for defendant Britt  
BY: MELINDA L. HAAG, Esq.  
ROBERT M. STERN, Esq.  
MATTHEW R. SHAHABIAN, Esq.  
Of counsel

THOMPSON HINE, LLP  
Attorneys for defendant Holder  
BY: NORMAN A. BLOCH, Esq.  
EMILY J. MATHIEU, Esq.  
Of counsel

BROWN RUDNICK  
Attorneys for defendant Wada  
BY: STEPHEN COOK, Esq.  
JUSTIN WEDDLE, Esq.  
Of counsel

Also Present:  
LYESON DANIEL,  
United States Postal Inspector

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1 (In open court)

2 (Case called)

3 THE COURT: Welcome. This is a status conference, as  
4 we arranged at the last conference. I want to go over a few  
5 things, the schedule as well as the status of discovery  
6 production, and I also want to schedule hearings related to  
7 potential conflicts of counsel, known as Curcio hearings.

8 As you know, I received a number of letters related to  
9 Curcio hearings. I don't think we'll do that today, but I  
10 think ideally I'll try to schedule that today.

11 I have set a trial date for October 15th. My hope is  
12 we can keep that trial date, but I know, before I confirm that,  
13 I want to get a status on how discovery production and review  
14 is going. Let's start with, you all know what the case is  
15 about, five counts, conspiracy to defraud the United States as  
16 well as conspiracy to commit wire fraud, and three substantive  
17 wire fraud counts.

18 At the last conference, the government indicated Phase  
19 I of discovery would be ideally done by February 8th and Phase  
20 II production would be February 22nd. What is the status? Has  
21 that all been produced?

22 MS. MERMELSTEIN: Your Honor, 97 percent has been  
23 produced. We produced in February search warrant affidavits,  
24 emails obtained pursuant to those search warrants, relevant  
25 text messages from search warrants on the defendants' phones,

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1 documents produced by the SEC, KPMG, PCAOB. Those represent  
2 the last discovery in this case.

3 There are a handful of documents from other  
4 custodians, subscriber information and toll records from email  
5 accounts, bank and financial records. In an effort to assist  
6 the defendants in their review, pursuant to their request, in  
7 February we provided a list of anonymized entities that were  
8 not identified in the indictment, together with lists of all of  
9 the issuers, were on the 15th, 20th, and 27th lists from PCAOB,  
10 and we produced a handful of additional documents from KPMG as  
11 they came in, things we received after the initial discovery  
12 deadline.

13 What that leaves in terms of production is the  
14 following: Next week we have for the defendants photos and  
15 videos taken from during the search warrant of Ms. Holder's  
16 home and an additional production of documents from KPMG we  
17 recently received just south of 2,000 documents.

18 The outstanding items are as follows: We are told by  
19 KPMG they have about 2000 additional documents they're  
20 preparing to produce to us. Those are in three categories.  
21 About 400 relate to work papers, 500 are hard copy documents  
22 collected during the initial investigation, and 500 relate to  
23 the hiring of Brian Sweet. We will turn them around as soon as  
24 we have them, and I expect the defendants will have them  
25 shortly.

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1           The one -- and it is a small quantity -- the one  
2 challenge, we have had enormous technological difficulties with  
3 the cell phones. Every time they get loaded, they crash the  
4 computer they're on. Most of what I expect will be responsive  
5 to the search warrants has been produced already, which is to  
6 say, the text messages.

7           There are a handful, however, of other things from the  
8 phones that are responsive. That includes internet browsing  
9 history. There are a handful of photos that are responsive.  
10 We are having trouble getting them off the phones, as a  
11 technological matter. I am optimistic we will have it done  
12 shortly. I would say it may take several more weeks to get  
13 that resolved. I don't think as a practical matter it is a  
14 significant volume or significant kind of discovery, so I don't  
15 think that should necessitate any delay, but that is the  
16 status.

17           THE COURT: There was reference to a related SEC civil  
18 proceeding, and it wasn't clear at the point of the last  
19 conference whether that was going to be stayed?

20           MS. MERMELSTEIN: It has been stayed.

21           THE COURT: I believe the government has provided  
22 proposed language for the Curcio hearings. As I understand it,  
23 defendants Middendorf, Whittle, Britt and Holder all require  
24 Curcio hearings. I think I received letters from both sides as  
25 to those and not defendant Wada. Is that right?

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1 MR. COOK: That's correct.

2 THE COURT: Going back to discovery, is there anything  
3 any of the defense counsel want to tell me in terms of  
4 discovery?

5 MR. BOXER: Not from us, your Honor.

6 MS. HELLER: Not from us at this time.

7 MR. BLOCH: As far as the execution of the search  
8 warrant at her home, approximately five electronic devices were  
9 seized and not returned to us, including non-telephonic  
10 devices, in particular external hard drives, and we provided a  
11 hard drive to the government shortly after our last conference  
12 in order to receive that material, and we haven't received it  
13 and it wasn't mentioned by the government just now. We would  
14 like to have that.

15 THE COURT: Can you provide a status on that.

16 MS. MERMELSTEIN: I thought it had gone out. If it  
17 hadn't, we will give it immediately, give all the defendants  
18 responsive documents from those devices and hard drives. Ms.  
19 Holder can have all of them and we'll get those done.

20 THE COURT: Are there any other discovery issues  
21 anyone wants to raise? All right.

22 We'll get to the scheduling of Curcio hearings in a  
23 minute. I did receive a letter I believe yesterday regarding  
24 the briefing on the anticipated motion to dismiss the  
25 indictment, and as I understand it -- this is for Mr. Stern,

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1 counsel for Mr. Britt -- as I understand it, the request is  
2 that the parties who are moving to dismiss, which I understand  
3 to include defendants Britt, Middendorf, Whittle and Holder,  
4 would like 50 pages for a joint brief, plus additional pages  
5 for defendant-specific briefs, to total 100 pages in total, as  
6 I understand it.

7 Does the government have -- that is a lot of pages,  
8 but I am okay with it -- does the government have any issues  
9 either way?

10 MS. MERMELSTEIN: We don't have any position on how  
11 many pages they should have.

12 MS. HELLER: Your Honor, one request from defendant  
13 Whittle -- we discussed this with the government and all of the  
14 counsel for the other defendants -- we would ask the court for  
15 an additional two weeks, until April 13th, for the deadline to  
16 file motions to dismiss.

17 As your Honor knows, we were retained on February  
18 12th, which was about two weeks behind everyone else. We were  
19 actually one of the only teams, if not the only team, that  
20 didn't have any prior familiarity with the case. We have been  
21 drinking from a fire hose in terms of facts and law, and there  
22 are fairly complex issues. We are confident we will be able to  
23 file on the 13th.

24 What we are using the time to do is really streamline  
25 and hope we will be able to join, and if we have to file

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1 anything separately, it will be as short and concise as  
2 possible. So we have discussed with the government and other  
3 counsel, and no one else objects to that date, if it is all  
4 right with your Honor?

5 THE COURT: You said April 13th?

6 MS. HELLER: Right. That would be two weeks from the  
7 13th.

8 THE COURT: Yes.

9 MS. HELLER: That would be our request.

10 THE COURT: The government is okay with that?

11 MS. MERMELSTEIN: Yes, your Honor.

12 THE COURT: No defendant has an issue with that? All  
13 right. That is fine. So the motion to dismiss will be filed  
14 on April 13th. I forget how many weeks I gave the government  
15 before?

16 MS. MERMELSTEIN: I don't think we actually set a  
17 deadline for the government's opposition brief. I think that  
18 in light of the length of the motion and both Ms. Kramer and I  
19 will be on long securities fraud trials in April, separate  
20 ones, we ask for four weeks.

21 THE COURT: April 13th for defendant's motion and  
22 briefs, May 11th for the government's opposition. Defendants,  
23 want to do a reply brief? All right. How about May 25th, two  
24 weeks for the reply, May 25th.

25 I may schedule a conference when we get to the end,



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1 but before I determine whether we'll need -- I probably will  
2 have oral argument on it, but we'll decide that at the end of  
3 the conference.

4 MR. COOK: Mr. Wada will also be filing a motion to  
5 dismiss, although we will not be on the joint brief being  
6 submitted.

7 THE COURT: You made me twitch.

8 Now I have 125 pages?

9 MR. COOK: We will, however, attempt not to overlap  
10 with any arguments made by the other parties. We would ask  
11 your Honor that we be given the opportunity to submit an  
12 application for more than 25 pages, in the unlikely event that  
13 becomes necessary.

14 THE COURT: You can always ask. You are not going to  
15 be joining the joint brief?

16 MR. COOK: We may join some of the arguments. We will  
17 not be on the brief.

18 THE COURT: Fair enough. You will go with the same  
19 dates, the same deadlines?

20 MR. COOK: Yes.

21 THE COURT: Okay.

22 MS. HAAG: Just so you know, we have agreed to share  
23 the draft brief with counsel for Mr. Wada, so they can make  
24 that determination.

25 THE COURT: We need to schedule the Curcio hearings,

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1 and other than that, I think I would probably want to schedule,  
2 have something on the calendar for a few weeks after the reply  
3 brief, so it would be oral argument on the motion, assuming I  
4 need oral argument, and also just a general status conference  
5 to address any other issues that arise.

6 Why don't I look at June. How is Thursday, June 7th?  
7 Is that your trial?

8 MS. MERMELSTEIN: Certainly I will still be on trial  
9 at this point. Ms. Kramer may as well.

10 MS. KRAMER: If I am not, I will not be in the 7th or  
11 the 11th because I will seeing my family for the first time in  
12 eight weeks.

13 THE COURT: Okay. How about the 12th, June 12th?

14 MS. MERMELSTEIN: That is fine. If I am still on  
15 trial, they will proceed without me.

16 THE COURT: Ms. Kramer, that will work for you?

17 MS. KRAMER: Yes.

18 THE COURT: Does any defendant have a problem with  
19 June 12th, as far as you know?

20 Let's do the afternoon of June 12th. Can we make it  
21 2:30 pm, June 12th. That will be a status conference and oral  
22 argument, if necessary, on the motion. June 12th, 2018, 2:30  
23 pm, here in this courtroom.

24 In terms of Curcio hearings, if it works, I would like  
25 to schedule them back-to-back for the four Curcio hearings we

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1 need to schedule. I was looking at April 2nd. If any people  
2 could do Monday, April 2nd? Are you all in a position to go  
3 ahead and schedule those?

4 MS. HAAG: Yes, your Honor.

5 THE COURT: I'll go down the line.

6 MR. BOXER: That is fine for us, your Honor.

7 THE COURT: Yes?

8 MS. HELLER: I may have a conflict in the early  
9 afternoon. If your Honor is inclined to have a morning time  
10 slot, I would ask for that.

11 THE COURT: Okay. Sorry. Middendorf. You represent  
12 Mr. Whittle?

13 MS. HELLER: Yes, your Honor.

14 THE COURT: And Mr. Britt's counsel?

15 MS. HAAG: April 2nd is fine.

16 THE COURT: Ms. Holder's counsel, can you do April  
17 2nd?

18 MR. BLOCH: Sunday, April 1st, is Easter Sunday and  
19 Ms. Holder will be flying in from Houston. She would like to  
20 come in the night before so we don't have any misses. If it  
21 could be on the 3rd, we can do it.

22 THE COURT: Would others prefer the 3rd, because I can  
23 do the 3rd as well?

24 MR. BOXER: No preference for us.

25 MS. HELLER: No preference for us.

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1 MS. HAAG: The 3rd is fine.

2 THE COURT: Why don't we do them on the 3rd, at 2:00  
3 o'clock, 2:00, 2:30, 3:00, 3:30. You all can decide which of  
4 those slots you want. I'll put them all back-to-back. All  
5 right, the Curcio hearings will be April 3rd, 2:00 o'clock in  
6 this courtroom. I think that covers the issues I need to  
7 address. Let me ask if there is anything else anybody else  
8 wanted to address? Otherwise, I will see you on the date.

9 MS. HAAG: We would respectfully request, and I  
10 certainly heard what the court said about the October 15th  
11 date, but we respectfully request to move the trial six  
12 additional months, to April 15th of 2019.

13 We have not, as you know at the last appearance, we  
14 have not received any discovery at all. We knew something  
15 about the case. We are in a better position than Mr. Whittle's  
16 counsel, but we didn't know as much as we know today. In our  
17 experience, this is a complex case from the defense  
18 perspective. We do believe that it will require significant  
19 preparation.

20 THE COURT: Seven months from today?

21 MS. HAAG: I understand, your Honor. We have looked  
22 at everything. We believe it requires significant preparation.

23 I, of course, don't want to reveal too much defense  
24 strategy, but it is fair to say, and it is obvious to say, this  
25 is a case that calls for experts, so among other things, we

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1 need to locate an expert, identify an expert, bring them on  
2 board, give them time to review materials and to submit an  
3 opinion to us on various issues.

4 One of those experts I think on the work papers Ms.  
5 Mermelstein referred to will be quite relevant to and I do  
6 believe we may have a discovery issue around that. It is my  
7 understanding that the government is taking the position that  
8 it will produce, and is only required to produce, selected  
9 papers, selected documents from the work papers.

10 I think it is possible once we consult with an expert,  
11 that expert is going to believe we need the work papers in  
12 their entirety, and that will be an issue that we'll, of  
13 course, try to work out with the government.

14 That is one issue with respect to significant  
15 preparation. Of course, we believe that we're submitting a  
16 substantial motion to dismiss for the court. These are really  
17 interesting, meaty issues. This is not a run-of-the-mill  
18 motion to dismiss. What we are looking at now, while we are  
19 looking at a June hearing and, of course, we expect the court  
20 to need some time to consider the issues and then issue a  
21 ruling, and then depending on the court's ruling, of course, if  
22 the court dismisses this case, we won't need to worry about a  
23 trial date.

24 If the court does something short of that, what the  
25 court rules I think will shape this case significantly. We're

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1 also -- and the court will hear more detail about this in the  
2 Curcio hearing -- in the process of retaining conflict counsel.  
3 There is one aspect of this case we are not able to handle and  
4 we need to bring in conflict counsel. We have interviewed a  
5 number of people for that position. We will make a decision,  
6 the client will make a decision before the Curcio hearing, so  
7 we'll be able to share with the court who that is. That person  
8 is going to need to come up to speed starting at that point in  
9 time.

10 Then finally, your Honor, with respect to the October  
11 date, I have a trial set in San Francisco September 17th with a  
12 three-week trial estimate. For all of those reasons, we  
13 respectfully request to move this trial six months beyond the  
14 date it is currently set.

15 We submit and, of course, it is for the court to  
16 decide, it is a reasonable request based on the complexity of  
17 the case certainly from the defense perspective. We believe we  
18 need that time to competently represent Mr. Britt at trial, and  
19 so we do make that request.

20 THE COURT: Okay. Let me hear other people's  
21 position. Mr. Boxer?

22 MR. BOXER: I am fine letting the government go first.  
23 I do have something to add.

24 MS. MERMELSTEIN: We object to that, your Honor, for a  
25 number of reasons. I think it is obviously always complicated

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1 to set a trial date with this many lawyers.

2 This trial date was set in January when everyone said  
3 they would be here. Other conflicts should have to be worked  
4 around. With respect to work papers, so it is clear, the  
5 government produced to defendants every work paper in our  
6 possession. We are not holding anything back. If the  
7 defendants think there are documents the government didn't get  
8 from KPMG they need, we are happy to have those conversations.  
9 There is nothing that hasn't gone out.

10 With respect to the complexity of the case, I guess  
11 we'll have to agree to disagree. I don't think it is that  
12 complicated. For a securities fraud case of this size, it is  
13 not charged as a securities fraud as a complicated matter. It  
14 is not that complicated, the facts and documents are not that  
15 complicated. The evidence is straightforward.

16 The volume of documents is, by my count, 75,000  
17 documents so far. In a white collar case in the trial I start  
18 in three weeks, there are three million. It is not that  
19 complicated. As your Honor pointed out, seven months is a long  
20 time. We are not talking starting a trial in the short term,  
21 so we can move forward.

22 MR. BOXER: On behalf of Mr. Middendorf, we very much  
23 would like to keep the October trial date. His arrest and  
24 indictment has had severe consequences on my client, both  
25 personally and professionally, and I think he is entitled to at

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1 least a reasonably speedy trial. As we say, it is seven months  
2 away, and to wait 16 months from his arrest to trial is just  
3 not in his best interests. I can't comment on counsel's  
4 ability to be prepared or the issues she raised, but I can say  
5 in our experience, and based on what we have seen, we are very  
6 confident we can be prepared in mid-October. To wait 16 months  
7 with the case hanging over his head just doesn't seem  
8 appropriate to us. For that reason and those reasons, we very  
9 much would like to keep the October date.

10 THE COURT: Thank you. Ms. Heller.

11 MS. HELLER: Yes, your Honor, we do join in Mr.  
12 Britt's request for an adjournment. I am not sure we believe  
13 an adjournment quite as long as to April is necessary, but I  
14 look at it from a practical perspective. The expert issue I  
15 think is the most salient one here. It is going to take some  
16 time to locate an expert.

17 There are a lot of experts that have conflicts,  
18 unfortunately, and given the accounting and auditing world is  
19 somewhat of a small world, and there are a lot of folks we have  
20 approached that are unable to assist from the defense side, it  
21 will take some time, has taken some time. We have been working  
22 had and it will continue to take time.

23 Then there is the issue of getting all the work  
24 papers. I agree with Ms. Haag there will be back-and-forth  
25 with the government on whether we have everything we need.



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1 When I spoke with the government earlier this week, I may have  
2 misunderstood, but I thought to understand Ms. Kramer to say we  
3 might be expecting more audit work papers. Maybe that is  
4 coming in short order.

5 Either way, we have just received everything we need,  
6 or we haven't yet received all the work papers, and what is  
7 going to be required is for the expert to be going through  
8 these work papers in excruciating detail to be able to look at  
9 all the details involved, and that process itself may take  
10 between three and five months, just the process of the expert  
11 going through all of these voluminous documents.

12 They may need other things that they need to go  
13 through, and so at that point we are really running up against  
14 an October trial date, and the expert may have a hard time  
15 getting reports out, then we may be in a position where we are  
16 asking your Honor in September for needing more time, and that  
17 is more disruptive to everyone's schedule.

18 We are looking at it from a practical perspective in  
19 terms of what we need to do to get ready for us. It is the  
20 expert factor that makes a difference here, so that perhaps a  
21 date in February of next year or something like that might be  
22 the happy medium, where we know we can be prepared and we  
23 wouldn't have to ask for adjournment as the year goes on.

24 THE COURT: Thank you.

25 How about Mr. Bloch?

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1 MR. BLOCH: Your Honor, we join in the request for the  
2 adjournment for the reasons expressed by Ms. Haag and also Ms.  
3 Heller.

4 In addition, your Honor, I am not sure that in a case  
5 like this, the number of documents is the only measure of what  
6 the discovery looks like because there are thousands of text  
7 messages and email correspondence, many of which I have seen  
8 already, but some of which we have not, and there is material  
9 on the devices that were seized, for example, and we need to  
10 look at those.

11 We need to consider whether there are additional  
12 motions to be made apart from the motion directed to the  
13 indictment, including whether or not to challenge the search of  
14 Ms. Holder's home, and if there are any other discovery  
15 disputes especially with respect to potential third-party  
16 subpoenas where the recipients may resist our request.

17 So to prepare the case properly and for all these  
18 other reasons, we ask that it be postponed, the trial be  
19 postponed until April as well.

20 THE COURT: And counsel for Mr. Wada?

21 MR. COOK: Mr. Wada doesn't object to an adjournment  
22 of the trial. We are not wedded to the April date, but we do  
23 believe additional time will become necessary for all the  
24 reasons stated.

25 THE COURT: I am going to keep the October 15th date.

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1 I think seven months is enough. It is a lot of time. If  
2 something unexpected happens, I will deal with it. I think  
3 October 15th is a reasonable amount of time.

4 I will rule promptly on the motions. In fact, I know  
5 I said June 12th for the next date, but I am now wondering  
6 whether it might help to move up argument earlier than -- so  
7 that right after, I will be reading the briefs as they come in,  
8 and the week after the reply brief comes in would be the week  
9 of Memorial Day. I wonder if we could have argument and a  
10 conference on May 31st.

11 Is the government both still on trial?

12 MS. MERMELSTEIN: On what date?

13 THE COURT: May 31st.

14 MS. MERMELSTEIN: I am confident I will be.  
15 Ms. Kramer may or may not. Ms. Greenwood starts trial and may  
16 be available. The government would be ready and we'll be here.  
17 It may not be people sitting at this table.

18 THE COURT: Does anybody have a problem with May 31st  
19 instead of June 12th?

20 MS. HAAG: No, your Honor.

21 MS. HELLER: No, your Honor.

22 THE COURT: I would like to move it to May 31st, at  
23 3:00 p.m., instead of what I said earlier, which was June 12th  
24 for oral argument. I want to keep things moving.

25 MS. MERMELSTEIN: Is the time the same?

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1 THE COURT: 3:00 o'clock, May 31st, at 3:00 o'clock.

2 THE COURT: Are there any other issues anyone wanted  
3 to address today?

4 MS. MERMELSTEIN: If we are totally done, the  
5 government will ask time be excluded through to the trial date,  
6 if there is not going to be objection. Otherwise, through the  
7 next conference date. I wonder if it makes sense to set a  
8 motion schedule with respect to motions other than motions to  
9 dismiss the indictment.

10 THE COURT: Suppression motions?

11 MS. MERMELSTEIN: I can't think of any other they  
12 might make, but anything other than motions to dismiss the  
13 indictment.

14 MR. BOXER: I didn't hear. I am sorry?

15 THE COURT: To go ahead and set a deadline for motions  
16 other than motions to dismiss the indictment, not motions in  
17 limine before the trial, but any other motions to suppress.

18 I would like a deadline on those just to make sure we  
19 are moving things along. Do we have any other motions that  
20 could be filed by April 13th, the same date as motions to  
21 dismiss the indictment?

22 MR. BLOCH: We haven't received the material, and so  
23 in order to make the judgment whether it is even worth it to  
24 make the motion, we need to receive what was seized, and we  
25 haven't received it yet.

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1 MS. HELLER: Your Honor, we simply need more time to  
2 review discovery to make sure we have everything.

3 MR. BLOCH: There may also be discovery motions  
4 themselves.

5 THE COURT: Right. I will set a deadline of, let's  
6 say, May 25th for any pretrial motions. Let me ask counsel for  
7 defendants, do you have any objection to exclusion of time to  
8 October 15th, counsel for Mr. Middendorf?

9 MR. BOXER: One moment, your Honor?

10 THE COURT: Sure.

11 (Off-the-record discussion)

12 MR. BOXER: We have no objection, your Honor, to  
13 October 15th.

14 THE COURT: Any objection by defendant Whittle?

15 MS. HELLER: No, your Honor.

16 THE COURT: Mr. Britt?

17 MS. HAAG: No, your Honor.

18 THE COURT: Ms. Holder?

19 MR. BLOCH: No, your Honor.

20 THE COURT: And Mr. Wada?

21 MR. COOK: No, your Honor.

22 THE COURT: I grant the application, and I am  
23 excluding time under Title 18, United States Code, Section 3161  
24 (h)(7)(A), to October 15th, the date of the trial, to allow the  
25 parties additional time to review discovery, address any

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1 discovery issues, prepare motions and then discuss possible  
2 disposition and consider possible dispositions.

3 Is there Anything else anyone wanted to cover?

4 MS. MERMELSTEIN: No, your Honor.

5 MR. BOXER: No, your Honor.

6 THE COURT: Thank you very much.

7 (Court adjourned)